IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 15376 of 2004

Between:

1 Smt. V. Kasturi, W/o. Surya Prakasam Rao
Sivaram Towers, Door No. 32-5-2, Prajasakthi Nagar,
Vijayawada-520 010.
2 Yerramsetti Sekhar S/o. Suryanarayana Murthy
Door No. 48-11-17/1, Currency Nagar, Gundala, Vijayawada.
3 Jasti Prapulla Chandra, S/o. Papa Rao
Dr. No. 54-20/2-9, Bharathi Nagar, Gunadala, Vijayawada,.
4 V.S. Prakasa Rao S/o. Ganga Rao,
Plot No. 403, Sivarama Towers, Prajasakthinagar, Vijayawada-10.
5 Adusumilli Satyanarayana S/o. Ramakrishna Rao
Dr. No. 32-5-12, Prajasakthinagar, Vijayawada-10.

..... PETITIONERS

AND

1 A.P. State Council of Science & Technology, rep. by its Principlal Secretary,
12th Floor, Gagan Vihar, M.J. Road, Nampalli, Hyd.
2 The Chairman, A.P. State Council of Schience & Technology, Chilakalapudi,

Machilipatnam.
3 The Project Officer, Regional Science Centre, A.P. Coast Regional Office,
Door No. 57-2-21, Karanam Bazar, Patamata, Vijayawada.
4 M/s. Arrow Constructions Ltd., Near Punnami Restaurant,
Bhavani Islands Gate, Bhavanipuram, Vijayawaa.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction, more particularly a writ of Mandamus, declaring the action of the respondents as illegal and ultra vires to the provisions of

Articles 14 and 300-A of the Constitution of India besides directing the Respondents not to interfere with the possession and enjoyment of the petitioners in respect of the property bearing R.S.Nos. 105/1B and 106 part N.T.S. Nos. 11/1 and 12 of Bhavanipuram, Vijayawada Municipal Corporation.

Counsel for the Petitioners: MR.V.S.R.ANJANEYALU

Counsel for the Respondents: A.RAMALINGESWARA RAO

The Court made the following :

ORDER:

Heard both sides and at their request the main writ petition itself is taken up for disposal.

In this Writ Petition the petitioners seek a Writ of Mandamus complaining against the orders in respect of the land in R.S.No.105/1B and 106 part N.T.S.Nos.11/1 and 12 of Bhavanipuram, Vijayawada Municipal Corporation, inter alia, on the allegations that the respondents have no right, whereas petitioners claiming the title in respect of the same in pursuance of title deeds.

However, the respondents herein set aside their claim in pursuance of a G.O.Ms.No.10 MA, Housing, Municipal Administration and Urban Development (NI Dept.,) dated 04-01-1989, which has been subsequently culminated into gift deed dated 13-06-1989.

However, considering the submissions made on either side and as rightly pointed out by the respondents in their counter-affidavit in para 7 that having regard to the very identity is in question a joint survey is required to be done for the purpose of identification of the land and demarcation of the boundary. Accepting the said submissions and instead of going into the merits of the claim, it would be suffice in the interest of justice to dispose of the Writ Petition directing the Mandal Surveyor, who is competent authority under the provisions of A.P. Survey and Boundaries Act, to conduct the survey of the lands as claimed by both sides by giving due notice and opportunity to both sides and locate the land by fixing demarcation of the boundaries. It is needless to mention that in the event of any party aggrieved thereby, it shall be open for them to approach competent Civil Court to establish their right and title. The entire such exercise shall be done within a period of four weeks from the date of receipt of a copy of this order. Till entire such exercise is done, there

shall be status-quo as on today. No costs.

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B.PRAKASH RAO, J.

Dated 29-10-2004.

skmr

To

1 The Principlal Secretary, A.P. State Council of Science & Technology,
12th Floor, Gagan Vihar, M.J. Road, Nampalli, Hyd.
2 The Chairman, A.P. State Council of Schience & Technology, Chilakalapudi,

Machilipatnam.
3 The Project Officer, Regional Science Centre, A.P. Coast Regional Office,
Door No. 57-2-21, Karanam Bazar, Patamata, Vijayawada.
4. 2CD copies.